

ENTERED

August 20, 2019

David J. Bradley, Clerk

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION**

FRED HOFFMAN III,

Plaintiff,

VS.

PHILLIP SIFUENTES, *et al*,

Defendants.

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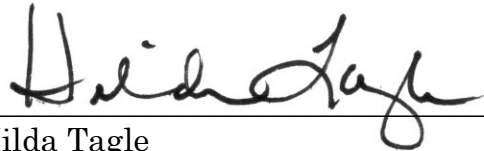
CIVIL NO. 2:18-CV-336

ORDER

The Court is in receipt of the Magistrate Judge's Memorandum and Recommendation ("M&R"), Dkt. No. 10, and Plaintiff Fred Hoffman's ("Hoffman") Objections to the M&R, Dkt. No. 17.

After independently reviewing the record and applicable law, the Court **ADOPTS** the M&R, Dkt. No. 10. Accordingly, the Court **RETAINS** Hoffman's claim of deliberate indifference against Defendant Warden Phillip Sifuentes ("Sifuentes") in his official capacity for injunctive relief.¹ The Court **DISMISSES** Hoffman's remaining claims against all Defendants for failure to state a claim and/or as frivolous pursuant to 28 U.S.C. §§ 1915(e)(2)(B) and 1915A(b)(1). The Court **DENIES** Plaintiff's request to have this case proceed as a class action.

SIGNED this 19th day of August 2019.



Hilda Tagle
Senior United States District Judge

¹ Sifuentes was not named in the original complaint. Dkt. No. 1. The M&R recommends that the Court retain Hoffman's claim of deliberate indifference against Assistant Warden Corey Furr ("Furr"), Dkt. No. 10. On March 1, 2019 the Magistrate Judge ordered the substitution of Furr with Sifuentes. Dkt. No. 26.